



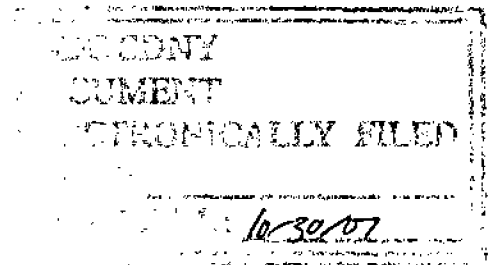
MEMO ENDORSED

ORRICK, HERRINGTON & SUTCLIFFE LLP
666 FIFTH AVENUE
NEW YORK, NEW YORK 10103-0001tel +1-212-506-5000
fax +1-212-506-5151

WWW.ORRICK.COM

October 30, 2007

BY FACSIMILE

Lisa T. Simpson
(212) 506-3767
lsimpson@orrick.comThe Honorable Frank Maas
United States Magistrate Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St., Room 740
New York, NY 10007Re: *Great White Bear, LLC v. Mervyns, LLC* (06 CV 13358)

Dear Magistrate Judge Maas:

We represent Defendant Mervyn's LLC in the above-referenced matter. On Monday, October 22, 2007, the parties participated in a telephone conference before the Court at which time Your Honor extended the fact discovery deadline to November 28, 2007. Your Honor also scheduled a telephone status conference for November 27, 2007 at 2:00 p.m.

The parties are in the process of finalizing the deposition schedule in order to complete the remaining depositions before the fact discovery cut-off date. After first scheduling several witnesses that must be deposed in San Francisco, California, the earliest remaining date that Daniel Fodiman, President of Plaintiff Great White Bear, is available for deposition in New York is Tuesday, November 27, 2007, the date currently set for our status conference before Your Honor. As this is the most convenient date for Mr. Fodiman, the parties respectfully request an adjournment of the conference currently set for 2:00 p.m. that day to Wednesday, November 28 or another later date that is convenient for Court, so that Mr. Fodiman's deposition may proceed on the 27th.

Thank you for your attention to this matter.

Respectfully submitted,

Lisa T. Simpsoncc: Philip A. Byler, Esq. (By Facsimile)
Counsel for Great White Bear, LLCThe court is adjourned
to 11/28/07 at 5 p.m.Fuller, USMJ,
10/30/07